

P29342.A02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : David STERN et al.

Group Art Unit: Unknown

Appln. No. : 10/828,613

Examiner: Unknown

Filed : April 21, 2004

For : METHOD AND APPARATUS FOR DETECTION OF FLUORESCENTLY
LABELED MATERIALS

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria VA 22314

Sir:

Further to the Information Disclosure Statement filed November 10, 2004, and in accordance with Applicants' duty of disclosure under 37 C.F.R. 1.56, Applicants hereby submit the following Information Disclosure Statement under 37 C.F.R. §§1.97 and 1.98. Applicant hereby brings the following information to the attention of the Examiner.

WO 92/10588;

U.S. Patent No. 5,445,934;

U.S. Patent No. 4,815,274;

U.S. Patent No. 5,124,102;

U.S. Patent No. 5,371,690;

U.S. Patent No. 5,733,729;

U.S. Patent No. 5,800,992;

U.S. Patent No. 5,825,913;

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U.S. Patent No. 5,845,001;

U.S. Patent No. 5,845,007;

U.S. Patent No. 5,858,659;

U.S. Patent No. 5,917,588;

U.S. Patent No. 5,945,334;

U.S. Patent No. 6,045,996;

U.S. Patent No. 6,090,555;

U.S. Patent No. 6,124,102;

U.S. Patent No. 6,140,044;

U.S. Patent No. 6,207,960;

U.S. Patent No. 6,228,575;

U.S. Patent No. 6,289,382;

U.S. Patent No. 6,349,144;

U.S. Patent No. 6,399,365;

U.S. Patent No. 6,768,820;

EP 0 695 941;

YOUNG et al., "Handbook of Pattern Recognition and Image Processing",
Academic Press, Inc., 1986, pp. 191-193, 200, 201, 203, and 223;

JAIN, "Fundamentals of Digital Image Processing", Prentice Hall, Inc., 1989, pp.
381-383; and

D.R. BENTLEY, "The Development and Application of Automated Gridding for
Efficient Screening of Yeast and Bacterial Ordered Libraries", Genomics, Vol. 12, pp.
534-541 (1992).

Applicants once again note that Claims 30 and 31 of the present application are copies of claims 1 and 2, respectively, from US Patent No. 6,768,820 to YAKHINI et al., issued July 27, 2004. Applicants also note that claims from U.S. Patent No. 6,591,196 to YAKHINI et al., have been copied or substantially copied in commonly assigned, copending U.S. Patent Application 10/648,819, and claims from U.S. Patent Application Publication No. 2004/0264807 A1 to YAKHINI, have been copied or substantially copied in commonly assigned, copending U.S. Patent Application 11/320,826.

Applicants also note that the following references were cited in U.S. Patent No. 6,768,820 to YAKHINI et al., issued July 27, 2004, and U.S. Patent Application Publication No. 2004/0264807 A1 to YAKHINI et al., published December 30, 2004 (of which, as noted above, claims are copied into U.S. Patent Application No. 11/320,826).

U.S. Patent No. 5,001,766;

U.S. Patent No. 5,487,115;

U.S. Patent No. 5,627,912;

U.S. Patent No. 5,837,475;

U.S. Patent No. 5,916,747;

U.S. Patent No. 6,349,144;

U.S. Patent No. 6,362,832;

U.S. Patent No. 6,498,863;

U.S. Patent No. 6,571,005;

EP 0 380 659;

WO 99/08233; and

WO 01/06395.

Douglas E. Bassett Jr., Michael B. Eisen and Mark S. Boguski, "Gene expression informatics--it's all in your mine", Nature Genetics Supplement, vol. 21, Jan. 1999, pp. 51-55.

Cheung, R.C.Y. and deSilva, Christopher J.S., "Analysis of Gene Microarray Images", 6th International Conference on Neural Information Processing, vol. 2, Nov. 16-19, 1999, pp. 627-632.

Kuklin A. et al., "High Throughput Screening of Gene Expression Signatures", Genetica, vol. 108, 2000, pp. 41-46.

Eisen, Michael, "ScanAlyze User Manual," Jul. 14, 1999, pp. 1-22.

Applicants note that the following references were cited in U.S. Patent No. 6,591,196 to YAKHINI et al., issued July 8, 2003 (of which, as noted above, claims are copied into U.S. Patent Application No. 10/648,819).

U.S. Patent No. 5,581,487;

U.S. Patent No. 5,720,928;

U.S. Patent No. 5,721,435;

U.S. Patent No. 5,744,305;

U.S. Patent No. 5,801,970;

U.S. Patent No. 5,812,272;

U.S. Patent No. 5,834,758;

U.S. Patent No. 5,837,475;

U.S. Patent No. 5,861,242;

U.S. Patent No. 5,886,353;

U.S. Patent No. 6,066,459;

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U.S. Patent No. 6,083,763;

U.S. Patent No. 6,100,030;

U.S. Patent No. 6,122,042;

U.S. Patent No. 6,167,169;

U.S. Patent No. 6,284,459;

U.S. Patent No. 6,284,465;

U.S. Patent No. 6,349,144;

U.S. Patent No. 6,383,742;

WO 99/08233;

WO 01/06395;

Douglas E. Bassett Jr., Michael B. Eisen, and Mark S. Boguski, "Gene expression informatics-it's all in your mine," Nature America Inc., nature genetics supplement, vol. 21, Jan. 1999, pp. 51-55.

Cattell, Herbert F., "Method of Extracting Locations of Surface Array Deposited Features," filed Nov. 5, 1999, US Application No. 09/435,462 (now abandoned in favor of continuation Application No. 10/238,922, now U.S. Patent No. 7,027,629);

A. Kuklin et al., "High throughput screening of gene expression signatures," 2000, Genetica 108, pp. 41-46.

R.C.Y. Cheung and Christopher J.S. deSilva, "Analysis of Gene Microarray Images," 1999, IEEE, pp. 627-632.

In accordance with 37 C.F.R 1.98, copies of the U.S. patents and U.S. published patent applications are not enclosed herewith. However, if any copies are needed, the Examiner is respectfully requested to contact the undersigned.

Applicants also direct the Examiner to the files at the U.S. Patent and Trademark Office of U.S. Patent Nos. 6,591,196, 6,768,820, and U.S. Patent Application Publication No. 2004/0264807 A1, to YAKHINI et al. for copies of the documents cited therein. Of course, should any of the documents not be readily available to the Examiner, the Examiner is requested to contact the undersigned and additional copies will be submitted. In this regard, Applicants are presently obtaining copies of the foreign patent documents and non-patent literature a cited in the YAKHINI et al. Patent Nos. 6,591,196, 6,768,820, and U.S. Patent Application Publication No. 2004/0264807 A1, for forwarding to the U.S. Patent and Trademark Office.

Citation of these documents shall not be construed as (1) an admission that the documents are necessarily prior art with respect to the instant invention; (2) a representation that a search has been made; or (3) an admission that the information cited herein is, or is considered to be, material to patentability in any way, including that as defined in §1.56(b).

The documents cited in U.S. Patent Nos. 6,591,196 and 6,768,820, in U.S. Patent Application Publication No. 2004-0264807 A1, and as cited above are listed on the attached Forms PTO-1449. The Examiner is requested to initial the Forms PTO-1449, and to return the initialed copy with the next communication from the U.S. Patent and Trademark Office.

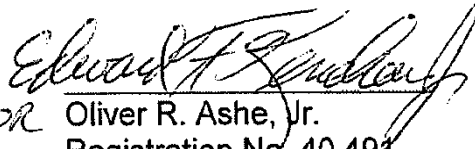
Applicants note that while this Supplemental Information Disclosure Statement is being filed more than three months from the filing date, Applicants have not received an action on the merits from the U.S. Patent and Trademark Office. Accordingly, consideration of the enclosed document is required under 37 C.F.R. 1.97(b)(3).

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However, if any fee is required for consideration of this disclosure statement, Applicants hereby authorize the charging of any required fees necessary for consideration of the documents cited herein to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this matter, the undersigned may be contacted at the below-listed telephone number.

Respectfully submitted
David STERN et al.

 REG. NO.
28,962
FOR Oliver R. Ashe, Jr.
Registration No. 40,491

May 10, 2006
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191

FORM PTO-1449		U.S. Department of Commerce Patent and Trademark Office		Atty. Docket No. P29342	Application No. 10/828,613		
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)				Applicant FIEKOWSKY et al.			
				Filing Date April 21, 2004		Group Unknown	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5 4 4 5 9 3 4	04/29/95	FODOR et al.			
		6 3 9 9 3 6 5	06/04/02	BESEMER et al.			
		6 3 4 9 1 4 4	02/19/02	SHAMS et al.			
		6 2 8 9 3 8 2	09/11/01	BOWMAN-AMUAH et al.			
		6 2 2 8 5 7 5	05/08/01	GINGERAS et al.			
		6 1 2 4 1 0 2	09/26/02	FODOR et al.			
		6 0 4 5 9 9 6	04/04/00	CRONIN et al.			
		6 0 9 0 5 5 5	07/18/00	FIEKOWSKY et al.			
		5 9 4 5 3 3 4	08/31/99	BESEMER et al.			
		5 9 1 7 5 8 8	06/29/99	ADDIEGO et al.			
		5 8 5 8 6 5 9	01/12/99	SAPOLSKY et al.			
		5 8 4 5 0 0 1	12/01/98	THOMAS et al.			
		6 3 8 3 7 4 2	5/2002	DRANAC et al.			
		5 0 0 1 7 6 6	3/1991	BAIRD			
		5 4 8 7 1 1 5	1/1996	SURKA			
		5 6 2 7 9 1 2	5/1997	MATSUMOTO			
		5 9 1 6 7 4 7	6/1999	CILCHRIST et al.			
		6 3 6 2 8 3 2	3/2002	STEPHAN et al.			
		6 4 9 8 8 6 3	12/2002	GAIDOUKEVITCH et al.			
		6 5 7 1 0 0 5	5/2003	LI et al.			
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
		0 6 9 5 9 4 1	02/07/06	EPO			
		0 3 8 0 6 5 9	08/1990	EPO			
	99	/ 0 8 2 3 3	02/1999	WIPO			
	01	/ 0 6 3 9 5	01/2001	WIPO			
	92	/ 1 0 5 8 8	06/25/92	WIPO			
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
EXAMINER				DATE CONSIDERED			
*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

FORM PTO-1449		U.S. Department of Commerce Patent and Trademark Office		Atty. Docket No. P29342		Application No. 10/828,613	
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				Filing Date April 21, 2004		Group Unknown	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		5 8 4 5 0 0 7	12/01/98	OHASHI et al.			
		5 8 2 5 9 1 3	10/20/98	ROSTAMI et al.			
		5 8 0 0 9 9 2	09/01/98	FODOR et al.			
		5 7 3 3 7 2 9	03/31/98	LIPSHUTZ et al.			
		5 3 7 1 6 9 0	12/06/94	ENGEL et al.			
		5 1 2 4 1 0 2	06/23/92	SERAFINI et al.			
		6 7 6 8 8 2 0	07/27/04	YAKHINI et al.			
	2004/	0 2 6 4 8 0 7	12/30/4	YAKHINI et al.			
		7 0 2 7 6 2 9	04/11/06	CATTELL et al.			
		5 5 8 1 4 8 7	12/1996	KELLY et al.			
		5 7 2 0 9 2 8	2/1998	SCHWARTZ			
		5 7 2 1 4 3 5	2/1998	TROLL			
		5 7 4 4 3 0 5	4/1998	FODOR et al.			
		5 8 0 1 9 7 0	9/1998	ROWLAND et al.			
		5 8 1 2 2 7 2	9/1998	KING et al.			
		5 8 3 4 7 5 8	11/1998	TRULSON et al.			
		5 8 3 7 4 7 5	11/1998	DORSEL et al.			
		5 8 8 6 3 5 3	3/1999	SPIVEY et al.			
		6 0 6 6 4 5 9	5/2000	GARINI et al.			
		6 0 8 3 7 6 3	7/2000	BALCH et al.			
		6 1 0 0 0 3 0	8/2000	MCCASKY			
		6 1 2 2 0 4 2	9/2000	WUNDERMAN et al.			
		6 1 6 7 1 6 9	12/2000	BRINKMAN et al.			
		6 2 8 4 4 5 9	9/2001	NOVA et al.			
		6 2 8 4 4 6 5	9/2001	WOLBER			
		6 3 4 9 1 4 4	2/2002	SHAMS			
EXAMINER				DATE CONSIDERED			
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OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)							
	1	Douglas E. Bassett Jr., Michael B. Eisen, and Mark S. Boguski, "Gene expression informatics-it's all in your mine," Nature America Inc., nature genetics supplement, vol. 21, Jan. 1999, pp. 51-55.					
	2	Cattell, Herbert F., "Method of Extracting Locations of Surface Array Deposited Features," filed Nov. 5, 1999, US Application No. 09/435,462 (now abandoned in favor of continuation Application No. 10/238,922, now U.S. Patent No. 7,027,629)					
	3	A. Kuklin et al., "High throughput screening of gene expression signatures," 2000, Genetica 108, pp. 41-46.					
	4	Cheung, R.C.Y. and deSilva, Christopher J.S., "Analysis of Gene Microarray Images", 6 th International Conference on Neural Information Processing, vol. 2, Nov. 16-19, 1999, pp. 627-632.					
	5	Eisen, Michael, "ScanAlyze User Manual," Jul. 14, 1999, pp. 1-22.					
	6	YOUNG et al., "Handbook of Pattern Recognition and Image Processing", Academic Press, Inc., 1986, pp. 191-193, 200, 201, 203, and 223.					
	7	JAIN, "Fundamentals of Digital Image Processing", Prentice Hall, Inc., 1989, pp. 381-383					
	8	D.R. BENTLEY, "The Development and Application of Automated Gridding for Efficient Screening of Yeast and Bacterial Ordered Libraries", Genomics, Vol. 12, pp. 534-541 (1992).					
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